



KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING ♦ NOVEMBER 10, 2009

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, November 10, 2009 at 7:00 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Members – Jim Schutta, Alan Votta, Tim Bullard, Tim Fuller and Craig Galbraith

MEMBERS ABSENT

STAFF IN ATTENDANCE

Building Inspector John Batson  
Secretary Aimee Zimmerman  
Commissioner Liaison Nelder  
Attorney Holt Moore

CALL TO ORDER:

Chairman Schutta called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

October 6, 2009 regular meeting.

**ACTION: Member Bullard made a motion to approve the minutes from the October 6, 2009 regular meeting. Member Galbraith seconded the motion. The motion carried unanimously.**

PERSONS TO ADDRESS THE BOARD

John Elliot of Progress Energy was unable to attend tonight's meeting. He will be present at the December meeting.

OLD BUSINESS:

1) Amendment to sign ordinance

- Council did amend the ordinance to change political signs that they all had to be uniform, no more than six (6) square feet, but did not set time limitations.
- Sec. 19-373 (6) addresses placement of political signs. This was done the night of the presentation by NC State School of Design.

- Clerk asked to clarify the ordinance that Council just passed. BI Batson found and read the new ordinance to the Commission.
- Eric Vann addressed the Commission and stated that all ordinances must be content neutral.
- Attorney asked to come back with survey of court rulings and suggest how to make ordinances compliant to the rulings.
- If the Commission addresses signs, they must be for all signs and not a specific type of sign.
- Attorney Moore indicated that Wilmington has a content neutral ordinance.
- Real estate signs are an issue and then they must be in a language that must be specific as to temporary signs.
- Member Galbraith suggested that Attorney Moore come back to the Commission with his findings as to the legality of the Commission's findings and that the Commission go back and address temporary signs.
- Member Galbraith suggested adding a section to the ordinance pertaining to temporary signs.
- Member Galbraith is continuing his research as to sign size within the Town.
- Tony Gonsalves of the SLAP Committee recommended that the Town have a large LED sign that will be placed at the entrance to Kure Beach for emergency purposes or for purely informational purposes. These signs are \$26,000 for two signs and are portable. Usually in emergency situations the Town tries to get a sign from DOT. This is something that is not currently in the budget.
- Chairman Schutta recommends that the Commission go back and research what they have done and perhaps put in a section regarding Temporary Signs.
- One concern regarding signs is how many signs are going to be non-conforming.
- Some signs also can be considered historical such as the Moran Motel and Big Daddy's. Member Galbraith stated that the Big Daddy's sign is 80 square feet and the recommendation was for 40 square feet however a portion of that sign could be removed in order to bring it into compliance.
- In a previous meeting, the Federal Point Historic Preservation Society was to be consulted regarding designating a sign as "historical".
- With the new proposal, only 5 or 6 signs will be impacted.
- Amortization is also an issue that will need to be addressed.

**ACTION: Member Galbraith made a motion to table this matter until the next meeting. Chair Schutta seconded the motion. The motion passed unanimously**

2) Discussion on grant on grants available to Town for purposes of burying power lines (James)

- Town Administrator is not present nor was John Elliot.
- This will be discussed at the December meeting.
- Member Galbraith believes they will need a true assessment cost on a project such as this prior to any decisions being made.

- Again, transformers will be an issue as well as placement for these wires, i.e. along K Avenue to the Pier, would need to be buried where a street or sidewalk already exists.

### 3) Zoning Overlay District

- Member Fuller suggested that the new committee recommend what issues the overlay district address and what they are charged to do. Overlay should be Alabama to the end of the Riggings and then K Avenue as well. Also look at design characteristics, driveways and sidewalks and the like.
- Member Galbraith suggested that they identify at the next meeting what areas to cover with the overlay district.
- Member Galbraith indicated his willingness to serve on this committee.

**ACTION: Member Fuller made a motion to appoint Member Galbraith, Donna Budd and Charlie Allo to a subcommittee of P&Z to look into and make a recommendation to P&X and to report to P&Z at February meeting so that P&Z can make a recommendation to Council. Member Votta seconded the motion. The motion carried unanimously. Member Galbraith will contact the other committee members. Chair Schutta to send memo to council re: appointments to committee and seeing if there are any objections. Member Bullard seconded the motion. The motion carried unanimously.**

### NEW BUSINESS

- Vacancy on the Commission – Vacancy cannot be announced until Member Fuller resigns from the Commission and takes his seat on Council.
- Member Fuller will forward his resignation to the Commission and then secretary will advertise the vacancy.

### Impervious surfaces

- There's an oceanfront house in Seawatch with a lot that is mostly concrete. Current ordinance states that no less than 65% must be impervious. This mainly addresses houses on lots that are 50 x 100 and doesn't address oceanfront property as those houses are typically on larger lots.
- Member Votta suggested changing the ordinance and address the issue by doing a percentage of the buildable footprint as to impervious surfaces. It will address the amount of concrete that can be used.
- Member Fuller suggested implementing a mandatory stormwater plan for the lot to show that the owners are containing the stormwater runoff.
- Member Votta suggested changing the 65% to a higher percentage. The impervious surface includes the driveways. Member Votta recommended 115% as it pertains to the buildable footprint.
- On a typical lot of 50 x 100, the buildable footprint is 70 x 40 which equates to 2800 square feet. 115% of that would give you a house of 1800 square feet with porches and decks and normal driveways.

- Oceanfront properties are an issue as they are typically the larger lots. These are the lots that would mostly be affected.
- Member Fuller suggested implementing a functional criteria of how to keep the stormwater runoff on the lot rather than a percentage.
- The ordinance cannot be specific as to the area affected, such as oceanfront lots. P&Z can clarify the ordinance such that the 65% pertains to 50 x 100 lots. A solution would be to add a section pertaining to other size lots.
- Most permitted developments have restrictions pertaining to impervious surfaces.
- Member Fuller stated that the 65% rule in the ordinance should only applies to a 50 x 100. Any lots larger than 50 x 100 will be treated on an engineered basis to provide for adequate stormwater retention. That would only affect an owner who wants to build more than the 65%.
- Member Votta reiterated his recommendation that lots larger than 50 x 100 can only have a maximum of 115% impervious surface.
- BI Batson and Member Votta will investigate this issue and report back to the Commission at the December meeting.

MEMBER ITEMS

NONE

ADJOURNMENT:

**ACTION: Member Fuller made a motion to adjourn the meeting. Member Bullard seconded the motion. The motion carried unanimously.**

Meeting was adjourned at 8:01 p.m.

  
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Jim Schutta, Chairman

  
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Aimee Zimmerman, Secretary